

FILED

2008 MAY 28 A 10:51

RICHARD W. WIEHING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA., S.D.

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10 Plaintiffs

11 United States District Court

12 North District Of California

13 San Jose Division

14 Deborah E. Johnson and Gerald D. Johnson,

Case No. C08 00264 PVT

15 Plaintiffs,

Related Case No. C08 01796 PVT

16 vs.

17 First Federal Bank Of California

18 Defendant.

**"PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE OF" SUPERIOR
COURT OF CALIFORNIA'S DENIAL
OF MOTION FOR RECONSIDERATION
OF MOTION FOR SUMMARY
JUDGMENT AND COURT'S ORDER,
"NOTICE OF REFERRAL TO
MEDIATION", "SEPARATE CASE
MANAGEMENT STATEMENT"
& PROOF OF SERVICE**

Hearing:

Date: June 3, 2008

Time: 10:00 a.m.

Courtroom: 5

Patricia v. Trumbull

19
20
21 **TO THIS HONORABLE COURT AND DEFENDANT, FIRST FEDERAL**
22 **BANK OF CALIFORNIA: PLAINTIFFS, DEBORAH E. JOHNSON AND GERALD D.**
23 **JOHNSON REQUEST THIS COURT TAKE JUDICIAL NOTICE OF THE FOLLOWING**
24

Case No. C08 00264 PVT

EXHIBIT “A”

SUPERIOR COURT OF CALIFORNIA COUNTY OF MONTEREY			
First Federal, Plaintiff/Petitioner vs. Johnson, Deborah E., et al, Defendant/Respondent		Hon. Lydia M. Villarreal Clerk: Renee Inofuentes CSR: Pam Ferry CSR# Interpreter: Language:	
Minutes:	Motion Hearing	Case No.	M89741
Date:	5/9/2008	Courtroom	9
		Related Cases:	

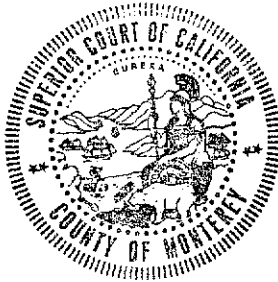
Appearances:

- ☐ No appearances
☒ Gary Hoffman, Attorney for Plaintiff
☐ Deborah Johnson, Defendant present in pro per
☒ Gerald Johnson, Defendant present in pro per

Case is regularly called for Plaintiff's Motion for Summary Judgment hearing.

Arguments are made by respective parties.

Petitioner's Motion for Summary Judgment is Denied.//



I HEREBY CERTIFY THAT THE FOREGOING DOCUMENT IS A
TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

DATE **MAY 12 2008**
 CONNIE MAZZEI, CLERK OF THE SUPERIOR COURT
 BY *D. Martinelli* DEPUTY

D. MARTINELLI

EXHIBIT “B”

FILED

MAY 14 2008

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY**

CONNIE MALLEN
CLERK OF THE SUPERIOR COURT
CHRISTIE SITTERLY DEPUTY

First Federal
Plaintiff(s),

vs.

Johnson, Deborah E et al
Defendant(s).

No. M89741

NOTICE OF REFERRAL TO MEDIATION

TO COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN that the Court refers the above-entitled case to the following members of the Mediation Panel, pursuant to the Mediation Program Rules and Local Rules 6.07(d) and 6.09(d)(3).

1. Assigned Mediator: 7
2. Alternate Mediator: 8

Within 10 days of the date below, all counsel shall confer with the assigned mediator and, if necessary, the alternate mediator, to determine whether conflicts of interest exist. Counsel shall also deliver complete copies of their Case Management Statements and a copy of this Notice of Referral to Mediation to the mediator. Thereafter, the parties shall comply with the Mediation Program Rules. Mediation shall be completed within 90 days from the date of the Notice of Referral to Mediation.

~~Settlement Conference is set for~~ _____ ~~at 1:30 p.m.~~

MAY 14 2008

DATE: _____

SUSAN M. DAUPHINÉ

Judge of the Superior Court

PRESIDING JUDGE, SEC. 635 CCP

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Plaintiffs

United States District Court

North District Of California

San Jose Division

Deborah E. Johnson and Gerald D. Johnson,

Case No. **C08 00264 PVT**

Plaintiffs,

Related Case No. C08 01796 PVT

vs.

**"SEPARATE CASE MANAGEMENT
STATEMENT"**

First Federal Bank Of California

Defendant.

Hearing:

Date: June 3, 2008

Time: 10:00 a.m.

Courtroom: 5

Patricia v. Trumbull

TO THIS HONORABLE COURT AND DEFENDANT, FIRST FEDERAL

BANK OF CALIFORNIA: Plaintiffs submit the following Separate Case Management
Statement per Civil Local Rule 16-9.

SEPARATE CASE MANAGEMENT STATEMENT

1
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3 1. **Jurisdiction and Service:** Plaintiffs currently have no issues with the jurisdiction and
4 no additional parties are to be served at this time.

5 2. **Facts:** Plaintiffs applied for a loan on their primary residence as husband and wife.
6 Plaintiff, Gerald D. Johnson, was removed from the loan and title to the property by Old
7 Republic Title Company with instructions from Defendant, First Federal Bank Of California.
8 Plaintiff, Gerald D. Johnson's, income was retained on the loan application while his unsecured
9 debt was removed. The loan application has Plaintiff, Gerald D. Johnson, as a person that will
10 be on title. Plaintiffs rescinded the loan immediately after signing but were later convinced
11 by the Defendant that the removal of a party to a loan was normal. Defendant misrepresented
12 the amount owed on back payments to Plaintiffs and the Federal Bankruptcy Court. Documents
13 related to the foreclosure sale, notices mailed to Plaintiffs and recorded for transfer with the Monterey
14 County Recorder's Office were altered or misrepresented by T.D. Service Company at the direction
15 of the Defendant. First Federal Bank Of California funds were used at the inception of the loan and
16 for the transfer of the property. The Defendant has directed the following entities; Old Republic
17 Title Company, PMC Mortgage Company, T.D. Service Company and the law firm of Ruzicka &
Wallace, LLP while also utilizing the telephone wire service and U.S. mail service.

18 3. **Legal Issues:** The principle legal issues of this case are bank and contract fraud at
19 inception of the contract, during the contract period and upon transfer, violations of Truth In Lending
20 (Regulation Z) and State Of California contract law violations. Federal and California statutes to
21 reference; 18 USC 1344, 18 USC 1962, 18 USC 1343, 18 USC 1957, 18 USC 1345, Ca. Civ.
22 Code 1596 & 1598, 12 CFR 226.23

23 4. **Motions:** There are currently 2 motions waiting to be heard. Defendant's Motion to Dismiss
24 Plaintiffs' First Amended Complaint which is scheduled for June 3, 2008 hearing. Plaintiffs' Motion

1 For Partial Remand to answer the unlawful detainer action in Superior Court is not scheduled due to
2 Plaintiffs' filing error.

3 5. **Amendment of Pleadings:** At this time Plaintiffs anticipate no additional amendments
4 or pleadings until after discovery.

5 6. **Evidence Preservation:** Plaintiffs have not and will not destroy, delete or erase any
6 communications pertaining to or related to this case or any related case.

7 7. **Disclosures:** Plaintiffs will request all related documents and communication between
8 Defendant and Old Republic Title, PMC Mortgage and T.D. Service Company. The loan process
9 and transfer require far more documentation than the Defendant has disclosed.

10 8. **Discovery:** Plaintiffs will provide Defendant and the related entities with a written request
11 for all documents and communications related to the loan and transfer.

12 9. **Class Actions:** Currently this case is not a class action but the Defendant's
13 response in deposition, trial cross examination, documentation in files and methods of providing
14 loans, may lead to a broader claim that may reach a class action status.

15 10. **Related Cases:** Superior Court Of California case number M89741, unlawful
16 detainer action filed by Defendant, First Federal Bank Of California, has been referred to
17 mediation prior to trial date being set.

18 11. **Relief:** Plaintiffs relief will be what is required under the RICO Act, 12 CFR 226.23 and
19 any punitive damages allowed. The total monetary damages suffered by the Plaintiffs has not been
20 determined.

21 12. **Settlement and ADR:** ADR is premature at this time.

22 13. **Consent to Magistrate Judge For All Purposes:** Plaintiffs have consented to proceed
23 before a Magistrate Judge for all purposes.

24 14. **Other References:** Plaintiffs will remain open to arbitration, a special master or the Judicial

Panel until more knowledge is gained about each.

15. **Narrowing of Issues:** Issues may broaden after discovery.

16. **Expedited Schedule:** If discovery is completed in a timely manner, Plaintiffs are willing to move forward.

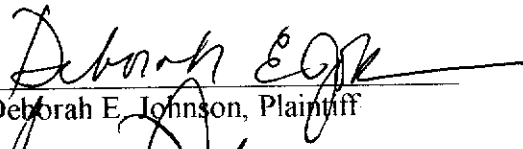
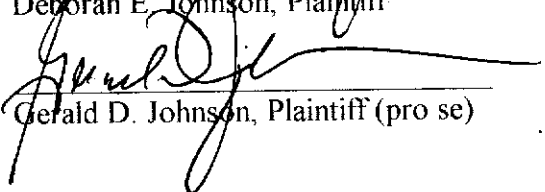
17. **Scheduling:** Plaintiffs are willing to proceed under the current Court schedule.

18. **Trial:** Plaintiff has jury trial demand.

19. **Disclosure of Non-party Interested Entities or Persons:** All creditors in Plaintiffs bankruptcy filing are Non-party Interested Entities. A list of those creditors will be provided to the court on June 3, 2008.

20. Plaintiffs have nothing to add.

Dated: May 27, 2008


Deborah E. Johnson, Plaintiff

Gerald D. Johnson, Plaintiff (pro se)